



An  
Bord  
Pleanála

## Inspector's Report

**ABP 321502-24**

|                                     |   |
|-------------------------------------|---|
| <b>Development</b>                  | Free-standing garden building containing a garage (49m <sup>2</sup> ) on the western side and a gym/fitness room (55m <sup>2</sup> ) on the eastern side. |
| <b>Location</b>                     | Seamount, Ardamine. Co. Wexford.  |
| <b>Planning Authority</b>           | Wexford Co. Council.  |
| <b>Planning Authority Reg. Ref.</b> | 20241195  |
| <b>Applicant(s)</b>                 | Tony Cronin.  |
| <b>Type of Application</b>          | Permission.   |
| <b>Planning Authority Decision</b>  | To Refuse Permission.   |
| <b>Type of Appeal</b>               | First Party.  |
| <b>Appellant(s)</b>                 | Tony Cronin.  |
| <b>Observer(s)</b>                  | None.   |
| <b>Date of Site Inspection</b>      | June 7 <sup>th</sup> , 2025.  |
| <b>Inspector</b>                    | Breda Gannon.   |

## **1.0 Site Location and Description**

- 1.1. The site is located off the L-50391-0, within the townland of Seamount, Ardamine. Courtown. Co. Wexford and occupies an elevated location overlooking the harbour. It accommodates a large two-storey split level dwelling with a flat roof. The house is located towards the southeastern corner of the site, with a substantial area of open space to the rear (west) and north side. Vehicular access is provided by a curved driveway which extends off a narrow public roadway to the north. Access to the dwelling is at first floor level from the western elevation.
- 1.2. The rear garden area is arranged in two levels, separated by a bank with stepped access to the lower section. The upper area, part of which is finished in tarmac serves as a parking area for the dwelling and also accommodates a large container and a rack storing canoes close to the northwest boundary. The lower section has been levelled and surfaced with gravel and accommodates a steel-clad shed. There is an informal garden area to the side.
- 1.3. To the west a single-storey residence faces towards the appeal site with the common boundary formed by a low concrete block wall. In the northwest corner there is partial overlooking by the rear windows of an adjacent dwelling through a small gap in the mature vegetation along the boundary. The area in the vicinity of the site is primarily residential in character consisting of a cluster of dwellings to the northwest and larger detached dwellings to the south.

## **2.0 Proposed Development**

- 2.1. The proposal seeks permission for a free-standing garden building containing a garage (49 m<sup>2</sup>) and a fitness room (55 m<sup>2</sup>). The building would be located to the rear (west) of the existing dwelling on the site. It would accommodate a double garage on the western side accessed by a folding door. The eastern side of the structure would house a gym/studio with jacuzzi, shower and storage area. The building would be finished externally in timber cladding (scorched larch), with a Trocal or similar cladding to the lean-to roof, would extend to 3.47m at the highest point. The site is connected to both the public mains water supply and public sewer.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The planning authority decided to refuse permission for the development for the following reason:

*‘The proposed garage store and gym/fitness room would exceed the maximum 80 sq.m floor space limit for such buildings as set out in Section 3.2 of Volume 2 of the Wexford County Development Plan 2022-2028. The proposed development would therefore be contrary to the proper planning and sustainable development of the area’.*

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The Planning Officer’s report of 18/11/24 considered that the proposed garden building would assimilate appropriately into the landscape and would not detract from the visual amenities of the area. The mature trees on site should be retained to assist with visual integration.

It is stated that Section 3.2 of Volume II of the development plan sets out the provisions in respect of a domestic garage/shed. In the context of Section 3.2 and the interpretation of same, this would only apply to the garage element of the proposal which is in compliance with the provisions of this section. The gym/fitness room of the garden building would be acceptable within this context.

A recommendation to grant permission was overruled by the Senior planner who recommended a refusal of permission for the grounds noted above.

##### **3.2.2. Other Technical Reports**

Roads Section: No objection.

#### **3.3. Prescribed Bodies**

None.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

**20240547:** Permission granted on the site for new entrance gate posts and gate and retention of minor elevational and layout modifications including flat roof canopy at entrance and new roof parapet.

## 5.0 Policy Context

### 5.1. Development Plan

The site lies within the development boundary of the **Courtown Riverchapel Local Area Plan 2015-2021** (as extended to 2026). The site is zoned 'Village Centre' with the following objective:

*'To provide for, protect and strengthen the vitality and viability of village centres through consolidating development, maximising the use of lands and encouraging a mix of uses'.*

Residential uses are permitted in principle under the zoning provisions for the site.

Volume 2 of the **Wexford Co. Development Plan 2022-2028** contains the Development Management Manual, and the following section is relevant to the subject proposal:

**Section 3.2: Domestic Garages/Stores.** The development of a domestic garage/store for use ancillary to the enjoyment of a dwelling house will be considered subject to compliance with the following standards:

- The domestic garage/store shall be single storey only, shall have a maximum floor area of 80m<sup>2</sup> and a maximum ridge height of 5m. In urban areas domestic garages and stores shall be assessed on the scale of the space around the dwelling and any impact on neighbouring properties.
- The design and external finishes of the domestic garage/store shall be in keeping with that of the dwelling house.

- The domestic garage/store shall only be used for purposes ancillary to the enjoyment of the dwelling house.

The planning authority may consider exceptions to these criteria having regard to the need for the development and the location and characteristics of the subject site.

## **5.2. Natural Heritage Designations**

The site is not located within or proximate to any European sites. There are a number of sites at varying distances in the wider vicinity which include the following:

- Slane River Valley SAC (000781), located west of Gorey.
- Kilpatrick Sandhills SAC (001742) located along a section of coastline to the northeast.
- Cahore Polders and Dunes SAC (0007000) located along the coast to the southeast.
- Kilmuckridge-Tinnabeara Sandhills SAC (001741), a coastal site to the southeast.
- Cahore Marshes SPA (004143) to the southeast.

## **5.3. EIA Screening**

- 5.4. The development is not of a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal are summarised as follows:

- The planner's report acknowledges that apart from exceeding the size of 80 sq.m the proposed development is compliant with the provisions of Section 3.2 (Volume 2) of the development plan.

- The development integrates well into the topography of the site, the materials are sensitively chosen, and the development is appropriately screened with landscaping.
- There is scope within Section 3.2 to consider a slightly larger proposal with a floor area of 104 m<sup>2</sup> on an extensive site with an area of 2,444 sq. m.
- On the basis of its design and integration and no neighbouring privacy issues the proposal should be considered acceptable.
- Under the provisions of Section 3.2 there is provision for flexibility in the consideration of the proposal.
- The site is very exposed to the elements and in order to avoid damage/corrosion, it is essential to keep vehicles within an appropriately sized garage.
- Requests that the Board overturn the planning authority's decision and grant permission for the development.

## **6.2. Planning Authority Response**

No response to the grounds of appeal were submitted by the planning authority.

## **6.3. Observations**

None

## **7.0 Assessment**

### **7.1. Introduction**

- 7.1.1. Having examined all the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local policies and guidance, I consider the issues to be considered in this appeal relates to the following:

- Principle of the development having regard to the provisions of the development plan and the impacts on the amenities of the area.

- Appropriate Assessment.

## **7.2. Principle of the development**

- 7.2.1. The appeal site is substantial and the location of the house in the southeast corner leaves a substantial area of undeveloped land within its boundaries. The closest neighbouring properties are located to the west and northwest.
- 7.2.2. Overshadowing issues will not arise due to the significant separation distances between the proposed structure and existing neighbouring properties. There are no windows in the west elevation of the proposed building and no directing opposing windows in the north elevation. The proposed internal glazed screen is forward from the adjoining house and faces the mature vegetation along the site boundary. No potential therefore exists for significant overlooking that would impact on the privacy of these dwellings. The southern elevation of the building contains 5 no. windows which due to its lower elevation and the significant separation distance there is no potential for overlooking of residential property to the south.
- 7.2.3. There is potential for a degree of impact on the outlook from the dwelling house to the west arising from the introduction of the new building on the site. However, having regard to the position of the proposed building relative to the dwelling, I do not consider this impact would be significant.
- 7.2.4. The proposed free-standing structure would be single-storey and its height would not exceed the height of the proposed dwelling. It would be partially concealed behind the existing dwelling, which reduces the potential for significant adverse effects on the visual amenities of the area. It would not be dominant in views from the public domain to the west or the public road to the north. Its visual impact would be highly localised, largely confined to the site due to the mature vegetation along the northern boundary. While the design and finish are a departure from that of the existing house, I consider it is acceptable within the site context.
- 7.2.5. When assessed under the provisions of Section 3.2 of the development plan and having regard to the scale of the space around the dwelling and the location of the development relative to adjacent properties, I would conclude that no significant impacts would arise. The building satisfies the requirements regarding scale and height, being single-storey with a height of less than 5m. The proposal (104m<sup>2</sup>) exceeds the floor area restriction of 80m<sup>2</sup>.

- 7.2.6. However, the provisions of Section 3.2 facilitate exceptions to these criteria having regard to the need for the development and the location and characteristics of the subject site. In terms of need, the grounds of appeal refer to the need to keep vehicles indoor to protect them from corrosion and damage in this elevated coastal location. I accept that this requirement could be met in a smaller structure on the site. The appeal does not set out any grounds relating to the remaining parts of the garden shed however, I do note that the site is used for the storage of canoes and the cover letter submitted with the application refers to the part the gym/fitness area in the active lifestyles of the family, which does not seem unreasonable.
- 7.2.7. I would therefore conclude that a reasonable case for the need for the development has been made by the applicant and that having regard to the location and characteristics of the subject site, which has the capacity to accommodate the development without significant adverse impacts on the visual and residential amenities of the area, the proposal can be considered under the exceptions provided for under Section 3.2 of the development plan.
- 7.2.8. I would, therefore, recommend that permission be granted for the development subject to a condition controlling its future use to purposes incidental to the enjoyment of the existing house. I would also recommend that a condition be attached requiring the removal of the existing container on the site which detracts from the amenities of the area.



### 7.3. Appropriate Assessment

#### Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposal for a free-standing garden building containing a garage and a gym/fitness room in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located at Seamount, Ardamine. Co. Wexford within the village center.

The proposed development comprises the erection of a new garden building to the rear of the existing dwelling.

No nature conservation matters were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- The small scale and nature of the works proposed.
- The location of the site within the built-up area of Courtown connected to public infrastructure.
- The distance to European sites.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

### 8.0 Recommendation

- 8.1. On the basis of the above assessment, I recommend that the Board grant permission for the proposed development.

### 9.0 Reasons and Considerations

Having regard to the established use of the site for residential purposes, the location and characteristics of the site, the nature and scale of the proposed development and the separation distance to adjoining properties, it is considered that subject to

compliance with the conditions set out below, the proposed development would not significantly impact on the residential and visual amenities of the area and would not be contrary to the requirements of Section 3.2 of the Wexford County Development Plan 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

|    |   |
|----|---|
| 1. | <p>The development shall be carried out in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interests of clarity.</p> |
| 2. | <p>The proposed development shall be used for the purposes indicated in the planning application and solely for purposes incidental to the enjoyment of the existing dwelling. The proposed development shall not at any time be used for human habitation, commercial use, industrial use or for the housing of animals</p> <p><b>Reason:</b> In the interests of visual amenity.</p>  |
| 3. | <p>Details of the external finishes of the development to include details of materials, texture and colour shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>  |
| 4. | <p>Within one month of the completion of the development the existing container shall be permanently removed from the site.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>   |
| 5. | <p>Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, and any statutory provisions</p>   |

|    |  |
|----|--|
|    | <p>replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations, shall be erected on the site, without a prior grant of planning permission.</p> <p><b>Reason:</b> In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling.</p>   |
| 6. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. This contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act, be applied to the permission.</p> |

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Breda Gannon  
Planning Inspector

26<sup>th</sup>, June 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

|  |   |  |  |
|--|---|--|--|
| <b>An Bord Pleanála<br/>Case Reference</b>   | ABP 321502-24   |  |  |
| <b>Proposed Development<br/>Summary</b>  | Free-standing garden building containing a garage (49m <sup>2</sup> ) on the western side and a gym/fitness room (55m <sup>2</sup> ) on the eastern side. |  |  |
| <b>Development Address</b>   | Seamount, Ardamine. Co. Wexford.  |  |  |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings) | <b>Yes</b>  | ✓  |  |
|  | <b>No</b>   |  |  |
| <b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>  |   |  |  |
| <b>Yes</b>   |   | State the Class here.  | Proceed to Q3.                               |
| <b>No</b>  | ✓   |  | Tick if relevant. No further action required |
| <b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>  |   |  |  |
| <b>Yes</b>   |   | State the relevant threshold here for the Class of development.  | EIA Mandatory EIAR required                  |
| <b>No</b>  | N/A   |  | Proceed to Q4                                |
| <b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>   |   |  |  |
| <b>Yes</b>   | N/A   | State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold. | Preliminary examination required (Form 2)    |
| <b>5. Has Schedule 7A information been submitted?</b>  |   |  |  |

|            |   |  |
|------------|---|--|
| <b>No</b>  | ✓ | <b>Screening determination remains as above<br/>(Q1 to Q4)</b> |
| <b>Yes</b> |   | <b>Screening Determination required</b>                        |

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_